

RAYMOND F. KAISER

IBLA 76-495

Decided November 4, 1976

Appeal from the California State Office, Bureau of Land Management, rejecting noncompetitive oil and gas lease offer CA 3519.

Affirmed.

1. Oil and Gas Leases: Applications: Generally -- Oil and Gas Leases: Applications: Drawings

A simultaneous oil and gas drawing entry card must be fully executed by the applicant. When the applicant omits the zip code from his address on the card, the lease offer is properly rejected.

2. Oil and Gas Leases: Applications: Generally -- Oil and Gas Leases: Applications: Drawings

An applicant whose simultaneous oil and gas entry card is rejected because of a defect in his completion of the entry card cannot thereafter cure the defect by submitting a corrected entry card.

APPEARANCE: Raymond F. Kaiser, pro se.

OPINION BY ADMINISTRATIVE JUDGE STUEBING

Raymond F. Kaiser appeals from a decision of the California State Office, Bureau of Land Management, dated February 18, 1976, rejecting his noncompetitive oil and gas lease offer filed in January 1976. He submitted a "Simultaneous Oil and Gas Entry Card," but failed to fill in his zip code in the space provided on the card. Although his card was drawn first, the State Office

rejected the offer because the entry card was not "fully executed" as required by 43 CFR 3112.2-1. 1/

In his appeal, Kaiser states that the omission of the zip code was inadvertent, and submits a corrected card with the request that it be substituted for the defective card and given priority as though it had been drawn instead of the defective card.

[1] The language of 43 CFR 3112.3-1 is unambiguous in its requirement that the entry card submitted for drawing be "fully executed" by the applicant. (Emphasis added.) We have consistently held that even minor deviations and omissions in the information required on an entry card are sufficient to warrant rejection of the offer. John R. Mimick, 25 IBLA 107 (1976) (failure to include the date); Ray Granat, 25 IBLA 115 (1976) (failure to include the state in which the lands are located); 2/ Albert E. Mitchell III, 20 IBLA 302 (1975) (failure to include the state); Ray Flam, 24 IBLA 10 (1975) (postdating the card). See also Manhattan Resources, Inc., 22 IBLA 24 (1975); Ballard E. Spencer Trust, Inc., 18 IBLA 25 (1974). 3/

The rejection of lease offers for failure to enter the postal zip code on the drawing entry card has been affirmed by this Board in two recent decisions. Beverly J. Steinbeck, 27 IBLA 249 (1976); Amy H. Hanthorn, 27 IBLA 369 (1976). The issue in both of those cases was identical to the issue presented by this appeal, which must be resolved the same way.

[2] It would be pointless to allow an applicant whose defective offer is drawn first to submit a corrected offer because the offer could only earn priority from the date and time of the correction. Therefore, the corrected offer could not possibly gain priority over the next drawn, properly filed, offer. Moreover, the regulation requires that if none of the three simultaneously filed offers qualify, the parcel must be listed for a subsequent filing. 43 CFR 3112.5-1. Ballard E. Spencer Trust, Inc., *supra*. Therefore, Kaiser's corrected entry card cannot be accepted in lieu of his defective one.

1/ 43 CFR 3112.2-1 provides in part:

"(a) Entry Card. Offers to lease such designated units by parcel numbers must be submitted on a form approved by the Director, 'Simultaneous Oil and Gas Entry Card' signed and fully executed by the applicant or his duly authorized agent on his behalf. The entry card will constitute the applicant's offer to lease the numbered leasing unit by participating in the drawing to determine the successful drawee."

2/ Judicial review pending.

3/ Aff'd sub nom B.E.S.T., Inc. v. Morton, Civ. No. 75-060 (D. N.M., filed Aug. 19, 1975), appeal pending.

Accordingly, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Edward W. Stuebing
Administrative Judge

We concur:

Douglas E. Henriques
Administrative Judge

Joseph W. Goss
Administrative Judge

